

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JOE ANDREW SALAZAR,

Plaintiff,

v.

HTC CORPORATION,

Defendant.

Civil Action No. 2:16-cv-01096-JRG-RSP

**JURY TRIAL DEMANDED
PATENT CASE**

HTC CORPORATION'S FIRST AMENDED PROPOSED VERDICT FORM

Defendant HTC Corporation (“HTC Corp.”) proposes the following verdict form. HTC Corp.’s proposed verdict form is made without waiver of its pending motions, which, if granted, may render portions of the following verdict form unnecessary. HTC Corp. further reserves the right to amend, supplement, or modify this verdict form in light of further developments, including any remaining fact or expert discovery, and based on the evidence and arguments presented at trial. HTC Corp. expects that the parties will meet and confer to refine the verdict form as events continue to narrow the issues.

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VERDICT FORM

In answering these questions, you are to follow all of the instructions I have given you in the Final Jury Instructions. Your answers to each question must be unanimous.

In this verdict form, "Mr. Salazar" refers to Plaintiff Joe Andrew Salazar. "HTC Corporation" refers to Defendant HTC Corporation. The '467 Patent refers to U.S. Patent No. 5,802,467.

QUESTION 1 – LITERAL INFRINGEMENT OF THE '467 PATENT:

Did Mr. Salazar prove by a preponderance of the evidence that HTC Corporation sold or offered to sell in the United States, or imported into the United States, any of the following products?

Answer “Yes” or “No” for each Product listed.

A “Yes” is a finding for Mr. Salazar, and a “No” is a finding for HTC Corporation.

HTC One M7 _____

HTC One M8 _____

HTC One M9 _____

QUESTION 2 – LITERAL INFRINGEMENT OF THE '467 PATENT:

ANSWER QUESTION NO. 2 FOR EACH PRODUCT LISTED ONLY IF YOU ANSWERED QUESTION NO. 1 YES FOR THAT SAME PRODUCT. IF YOU ANSWERED QUESTION NO. 1 NO FOR ANY PRODUCT(S), DO NOT ANSWER QUESTION NO. 2 FOR THAT(THOSE) PRODUCT(S).

Did Mr. Salazar prove by a preponderance of the evidence that HTC Corporation's following products literally infringed the following claims of the '467 Patent?

Answer “Yes” or “No” for each Product listed and each Claim listed.

A “Yes” is a finding for Mr. Salazar, and a “No” is a finding for HTC Corporation.

'467 Patent Claim	HTC One M7	HTC One M8	HTC One M9
1			
2			
3			
4			
5			
6			
7			
27			
28			
29			
30			
34			

QUESTION 3 – INVALIDITY:

Did HTC Corporation prove by clear and convincing evidence that any of the following claims of the '467 patent are invalid:

Answer “Yes” or “No” for each claim.

A “Yes” is a finding for HTC Corporation, and a “No” is a finding for Mr. Salazar.

'467 Patent

Claim 1	_____
Claim 2	_____
Claim 3	_____
Claim 4	_____
Claim 5	_____
Claim 6	_____
Claim 7	_____
Claim 27	_____
Claim 28	_____
Claim 29	_____
Claim 30	_____
Claim 34	_____

QUESTION 4 – DAMAGES:

IF YOU ANSWERED QUESTION NO. 1 NO, DO NOT ANSWER QUESTION NO. 4.

IF YOU ANSWERED QUESTION NO. 1 YES, THEN ANSWER QUESTION NO. 4 ONLY IF
YOU FOUND AT LEAST ONE PATENT CLAIM LISTED IN QUESTION NO. 2 INFRINGED
AND NOT INVALID IN QUESTION NO. 3.

Did Mr. Salazar prove by a preponderance of the evidence that the patent owners of
the '467 patent satisfied the marking requirements of 35 U.S.C. § 287?

Answer “Yes” or “No”:

A “Yes” is a finding for Mr. Salazar, and a “No” is a finding for HTC Corporation.

QUESTION 5 – DAMAGES:

ANSWER QUESTION NO. 5 ONLY IF YOU HAVE ANSWERED YES TO AT LEAST ONE PRODUCT IN QUESTION NO. 1, FOUND AT LEAST ONE PATENT CLAIM LISTED FOR THAT SAME PRODUCT IN QUESTION NO. 2 INFRINGED AND NOT INVALID IN QUESTION NO. 3. IF YOUR ANSWER TO QUESTION NO. 1 IS NO FOR ALL PRODUCTS OR YOUR ANSWER TO QUESTION NO. 4 IS NO, THEN ENTER \$0 IN ANSWER TO QUESTION NO. 5.

What sum of money, if any, if paid now in cash, do you find by a preponderance of the evidence would fairly and reasonably compensate Mr. Salazar for any past infringement by HTC Corporation? As noted, only award damages for those patent claims you find infringed and valid.

Answer in Dollars and Cents, if any:

\$ _____

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The jury foreperson should then sign and date the verdict form in the spaces below and notify the Court Security Officer that you have reached a verdict. The jury foreperson should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

Signed this _____ day of _____, 2018.

Jury Foreperson

Dated: May 9, 2018

Respectfully submitted by,

/s/ Fred I. Williams

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Counsel for Defendant HTC Corporation

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who have consented to electronic service are being served on May 9, 2018, with a copy of the foregoing document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3).

/s/ Fred I. Williams _____
Fred I. Williams